

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 22376 of 2014 (V)

PETITIONER(S):

1. ROBY GEORGE, AGED 40 YEARS,
S/O.C.A. GEORGE, CHEMPAKASSERIL HOUSE,
IRUMPANAM NORTH PO, THRIPIUNITHURA 682 309.
2. ROJI GEORGE, AGED 34 YEARS,
S/O.C.A. GEORGE, CHEMPAKASSERIL HOUSE,
IRUMPANAM NORTH PO, THRIPIUNITHURA 682 309

BY ADVS. SRI. JOBY JACOB PULICKEKUDY
SRI. ANIL GEORGE

RESPONDENT(S):

1. THE SECRETARY, THRIPIUNITHURA MUNICIPALITY,
THRIPIUNITHURA- 682 301.
2. M/S. SHREEJI INFRASTRUCTURE INDIA (P) LTD.,
PALATHINKAL BUILDING, PETTA JUNCTION, POONITHURA,
COCHIN 682 038.

R1 BY ADV. SRI. V. M. KURIAN, SC, THRIPIUNITHURA MUNICIPALITY
R2 BY ADV. SRI. BABU CHERUKARA
R2 BY ADV. SRI. P. V. PRAKASAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1 TRUE PHOTOCOPY OF COMPLAINT DATED 5/9/2012 PREFERRED BY THE 2ND PETITIONER.
- EXHIBIT P2 TRUE PHOTOCOPY OF COMPLAINT DATED 19/2/2014 SUBMITTED TO THE 1ST RESPONDENT.
- EXHIBIT P3 TRUE PHOTOCOPY OF NOTICE DATED 19/6/2014 ISSUED BY THE TRIPUNITHURA MUNICIPALITY.
- EXHIBIT P4 TRUE PHOTOCOPY OF NOTICE DATED 17/7/2014.
- EXHIBIT P5 TRUE PHOTOCOPY OF REPLY NOTICE DATED 29/7/2014.
- EXHIBIT P6 TRUE PHOTOCOPY OF REPRESENTATION DATED 12/8/2014.

RESPONDENT(S)' EXHIBITS:

- EXHIBIT R2(A): TRUE COPY OF THE RESOLUTION PASSED BY THE 2ND RESPONDENT COMPANY DATED 29.05.2010.
- EXHIBIT R2(B): TRUE COPY OF THE BUILDING PERMIT BEARING NO.688/12-13 DATED 02.05.2013 IN THE NAME OF THE 2ND RESPONDENT ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT R2(C): TRUE COPY OF THE DOCUMENT NO.2882/2006 DATED 27.06.2006 OF TRIPUNITHURA SUB REGISTRY.
- EXHIBIT R2(D): TRUE COPY OF THE DOCUMENT NO.3624/2006 OF TRIPUNITHURA SUB REGISTRY.
- EXHIBIT R2(E): TRUE COPY OF THE BUILDING TAX RECEIPT FOR BUILDING NO.1/122 FOR THE PERIOD 2005-06 DATED 2.12.2005.
- EXHIBIT R2(F): TRUE COPY OF THE BUILDING TAX RECEIPT FOR BUILDING NO.1/113 FOR THE PERIOD 2005-06 DATED 2.12.2005.
- EXHIBIT R2(G): TRUE COPY OF THE VILLAGE TAX RECEIPT ISSUED IN THE NAME OF the 2ND RESPONDENT COMPANY FOR THE PERIOD 2009-2010 DATED 9.12.2009.

- EXHIBIT R2(H): TRUE COPY OF THE SITE PLAN APPROVED BY THE THIRUVAMKULAM GRAMA PANCHAYAT.
- EXHIBIT R2(I): TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE THIRUVAMKULAM GRAMA PANCHAYAT SECRETARY DATED 10.10.2006.
- EXHIBIT R2(J): TRUE COPY OF THE COMPLETION CERTIFICATE ISSUED BY THE THIRUVAMKULAM GRAMA PANCHAYAT SECRETARY DATED 16.07.2009.
- EXHIBIT R2(K): TRUE COPY OF THE ORDER NO.682/2007 DATED 09.10.2009 ISSUED BY THIRUVAMKULAM GRAMA PANCHAYAT SECRETARY.

//TRUE COPY//

P.S. TO JUDGE

St/-

SHAJI P. CHALY, J.

W.P.(C)No.22376 of 2014

Dated this the 13th day of November, 2015

JUDGMENT

This writ petition is filed by the petitioners seeking to cancel the building permit issued to the 2nd Respondent by the 1st Respondent Municipality and for other related reliefs.

2. Today, when the matter was taken up for hearing, learned counsel for the petitioners submitted that petitioners will be satisfied if a direction is issued to the 1st Respondent Municipality to consider Ext.P6 complaint filed by the petitioners before it.

3. Heard the learned counsel for the petitioners, Sri. Joby Jacob Pulickeekudy, learned Standing Counsel for the 1st Respondent Municipality, Sri. K.T.Thomas and Sri. Babu Cherukara, appearing for 2nd Respondent and perused the records.

4. Having regard to the fact that Ext.P6 complaint is filed by the petitioners mainly to ventilate their grievances consequent to the construction activities carried on by the 2nd Respondent, water logging is occurring in the residential

premises of the petitioners, especially during rainy season.

5. Therefore, there will be a direction to the 1st Respondent Municipality to consider Ext.P6 complaint filed by the petitioners in accordance with law and after providing sufficient opportunity of hearing to the petitioners and the 2nd Respondent and also carrying out necessary enquiries with regard to the factual situations alleged by the petitioners. The whole exercise shall be completed by the 1st Respondent within a period of 45 days from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.S. to Judge

St/-
13.11.2015